

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KAITLYN SANDERS, et al.,)	
)	
Plaintiffs,)	
)	2:23-cv-00285
v.)	
)	
MIZZANTI REAL ESTATE, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This civil action was referred to United States Magistrate Judge Maureen P. Kelly for reports and recommendations. Pursuant to that referral, Judge Kelly conducted a review of the Complaint, ECF No. 1, pursuant to 28 U.S.C. § 1915(e)(2)(B), and concluded that it did not state any claims under federal law, and that such claims as attempted to be asserted could not be made viable via an amendment. She also recommended that the claims asserted that appeared to arise under state law be dismissed without prejudice to the Plaintiffs refiling them in state court. The Plaintiffs have filed Objections, ECF No. 9, to Judge Kelly's Report and Recommendation ("R&R") which is docketed at ECF No. 6.

The undersigned has carefully considered the R&R, along with the Objections to it. The Objections are not particularly illuminating as to the Plaintiffs' bases for objecting to the R&R, but they do ask that their ability to refile their claims in state court not be impaired, an outcome that Judge Kelly recommended. Because the undersigned, on *de novo* review of the R&R and the papers of record, including the Complaint and the Objections, concludes that in all respects, the R&R is correct in its analysis and recommendation, and that the Complaint does not state any viable federal claims, now or which would be susceptible to a successful amendment, the Court adopts the R&R as the Opinion of the Court, and hereby ORDERS that the Objections are

overruled, all federal claims asserted in this action are DISMISSED WITH PREJUDICE, and all state law claims are DISMISSED WITHOUT PREJUDICE to being pursued in state court, this Court concluding that it would be improvident to retain jurisdiction over them, pursuant to 28 U.S.C. § 1367.

s/ Mark R. Hornak

Mark R. Hornak
Chief United States District Judge

Dated: June 20, 2023